

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

LOWER, LLC

Plaintiff,

v.

AMCAP MORTGAGE, LTD., et al.

Defendants.

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Judge Amos L. Mazzant III

Case No. 4:23-cv-00685

**PLAINTIFF LOWER, LLC’S RESPONSE
TO DEFENDANT NATALIE BOYD’S
MOTION TO COMPEL ARBITRATION**

On May 30, 2024, the Court issued its Order granting in part the Motion to Compel Arbitration (“Motion”) and delegating the issue of deciding the arbitrability of some of the claims asserted herein to the arbitrator. (*See* Dkt. # 76). Defendant Natalie Boyd did not join the Motion, but now moves the Court to compel Plaintiff Lower, LLC (“Lower”) to arbitrate the claims Lower filed against her. (Dkt. # 82 and as amended, Dkt # 84).

Although Plaintiff Lower respectfully disagrees with Ms. Boyd’s analysis and arguments for the reasons stated in Lower’s Opposition to the Motion to Compel Arbitration,¹ Lower has a reasonable basis grounded in contract and case law for its stated positions and in any event, agrees that efficiency and economy are important considerations and therefore, pursuant to a discussion between the parties, Lower agrees to submit in arbitration any claims it intends to pursue against Natalie Boyd. By doing so, Lower does not waive any claims or arguments previously made. Nor does Lower waive and expressly reserves all rights and entitlements under the Employment Agreements with any party. For these reasons described herein, Ms. Boyd is not entitled to

¹ Lower incorporates by reference its prior arguments that it is not required to arbitrate any of the claims it asserted against any of Defendants, including Ms. Boyd, and that the Court may decide whether the arbitrability of those claims. (*See* Dkt. # 33, 34, 47, 70).

attorneys' fees as she has not and cannot cite to any basis in statute or in any agreement before the Court, that entitles Ms. Boyd to obtain such fees. In sum, Lower has agreed and will present its claims against Ms. Boyd to an arbitrator for decision.

Respectfully submitted,

/s/ Sanna-Rae Taylor

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CERTIFICATE OF SERVICE

This is to certify that on June 26, 2024, I electronically filed the foregoing document with the clerk of the Court for the United States District Court, Eastern District of Texas, via the Court's electronic case management/case filing system (CM/ECF), and that it reported that it was delivered to and served upon all parties and/or counsel of record.

/s/ Sanna-Rae Taylor